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Attorneys for Defendant
WALMART, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PATRICK BURTON,

Plaintiff,

vs.

WALMART, INC., and DOES 1 through 20,
inclusive,

Defendants.

Federal Case No: 2:20-cv-01199-MCE-DMC

**STIPULATION AND ORDER TO
CONTINUE LITIGATION DEADLINES**

Removal Date: June 16, 2020
Trial Date: TBD

IT IS HEREBY AGREED AND STIPULATED, by and between all parties, through their undersigned counsel, as to the following:

1. On June 16, 2020, Defendant Walmart, Inc. ("Defendant" or "Walmart") filed its Notice to Court and Adverse Party of Removal to Federal Court.
2. The same day, the Court issued the Initial Pretrial Scheduling Order.
3. On January 26, 2021, the Court approved the parties' Stipulation to Continue Mediation Deadline via the Court's Voluntary Dispute Resolution Program ("VDRP") from December 25, 2020 to March 25, 2021 which was necessitated due to having to select a new mediator as a result of a conflict by the previously selected mediator.
4. In the Order approving the Stipulation to Continue Mediation Deadline, all pretrial deadlines were extended by the same 90 day extension of the Mediation Deadline.
5. The matter was mediated on March 12, 2021 via the VDRP before neutral Sanford Kingsley but did not resolve.

6. Plaintiff substituted new counsel Mark Velez in place of his previous counsel with the Order granting Substitution of Attorney signed on May 4, 2021.

7. Additional discovery and depositions have been conducted by Plaintiff's counsel Mr. Velez since his entrance into the case.

8. Since then, the parties have discussed and agreed to submit this matter to another session of mediation by mediator Russ Wunderli, Esq. The parties are in the process of scheduling that mediation to occur within the next 60 days.

9. The current non-expert discovery deadline is September 13, 2021 and the deadline to exchange RFCP 26 Expert Disclosures is November 12, 2021. No trial date has yet been assigned.

10. The parties believe that engaging in mediation prior to the parties expending considerable time and financial resources would result in a more meaningful mediation with the hopes of achieving a complete resolution of the lawsuit

11. In order to allow the parties the opportunity to engage in these settlement discussions prior to incurring the costs associated with completing non-expert discovery and retaining/disclosing expert witnesses, the parties request that all pretrial litigation deadlines be extended by 120 days.

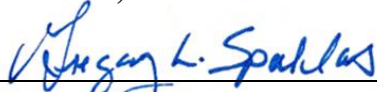
12. The parties agree that it is in the best interests of all concerned that all pretrial deadlines in this matter be continued to allow the parties devote resources toward a potential resolution of this matter prior to trial.

13. Good cause exists for granting this request based on the foregoing.

14. This stipulation may be executed in counterparts and by facsimile or PDF signature.

DATED: July 19, 2021

PHILLIPS, SPALLAS & ANGSTADT LLP



Gregory L. Spallas, Esq.
Adolpho O. Karajah, Esq.
Attorneys for Defendant
WALMART, INC.

1 DATED: July 19, 2021

THE VELEZ LAW FIRM, PC

2
3 /s/ Mark P. Velez

4 Mark P. Velez, Esq.
5 Natalya V. Grunwald, Esq.
6 Attorney for Plaintiff
7 PATRICK BURTON

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10 **ORDER**

11 Pursuant to the *Parties' Stipulation to Continue Litigation Deadlines*, and good cause having
12 been shown, the current pretrial litigation deadlines in this matter are all continued for 120 days.

13 IT IS SO ORDERED.

14 Dated: July 21, 2021

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MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE